

ESTTA Tracking number: **ESTTA464832**Filing date: **04/02/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	OFF THE HOOK, LLC DBA Go Fish
Granted to Date of previous extension	04/04/2012
Address	1900 Fenwick Street, NE Washington, DC 20002 UNITED STATES

Attorney information	Joseph D. Lewis Barnes & Thornburg LLP 1717 Pennsylvania Ave, NW Suite 500 Washington, DC 20006 UNITED STATES jdlewis@btlaw.com Phone:202-289-1313
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Applicant Information

Application No	85366508	Publication date	12/06/2011
Opposition Filing Date	04/02/2012	Opposition Period Ends	04/04/2012
Applicant	Bumble Bee Foods, LLC 9655 Granite Ridge Drive, Suite 100 San Diego, CA 92123 UNITED STATES		

Goods/Services Affected by Opposition


Class 029. All goods and services in the class are opposed, namely: Cooked meat, namely, tuna, salmon, shrimp, crab, oysters, sturgeon, albacore, clams, sardines, mackerel, processed anchovies; tuna and cracker combinations; tuna fish; prepared entrees consisting primarily of seafood; processed seafood, namely, fish; seafood; meat-based spreads; dips

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85318641	Application Date	05/11/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GOFISH! FRESH SUSTAINABLE SEAFOOD OUR DOCK TO YOUR DOOR		

Design Mark	
Description of Mark	The mark consists of the wording "GOFISH!" making up a portion of a fish design, superimposed over a circle within a circle with a decorative border. The words "FRESH.SUSTAINABLE.SEAFOOD" and "OUR DOCK TO YOUR DOOR" are displayed between the two circles.
Goods/Services	Class 035. First use: Retail store services featuring fish and seafood

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GO FISH		
Goods/Services	retail store services featuring fish and seafood. Fresh fish, cooked fish, and processed fish; fresh seafood, processed seafood; ready-to-cook meals, prepared entrees which include fish and seafood, soups and stews		

Attachments	85318641#TMSN.jpeg (1 page)(bytes) GO FISH opposition 20120402122803.pdf (3 pages)(227644 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JDL/
Name	Joseph D. Lewis
Date	04/02/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OFF THE HOOK, LLC dba Go Fish,)
)
 Opposer,)
)
 v.)
)
 Bumble Bee Foods, LLC ,)
)
 Applicant.)
 _____)

Opposition No.:

Serial No. 85366508

NOTICE OF OPPOSITION

OFF THE HOOK, LLC dba Go Fish (“Opposer”), believes that it will be damaged by registration of the trademark GO FISH for “Cooked meat, namely, tuna, salmon, shrimp, crab, oysters, sturgeon, albacore, clams, sardines, mackerel, processed anchovies; tuna and cracker combinations; tuna fish; prepared entrees consisting primarily of seafood; processed seafood, namely, fish; seafood; meat-based spreads; dips” as specified in Application Serial No. 85366508 (the “Opposed Mark”), and hereby opposes said application.

As grounds for the opposition, Opposer alleges:

1. Opposer is a District of Colombia limited liability company, with a place of business located at 1900 Fenwick Street, NE, Washington DC 20002.
2. Upon information and belief, Applicant is a Delaware limited liability company, with an address at 9655 Granite Ridge Drive, Suite 100, San Diego, CA 92123.

3. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark prior to January 1, 2012.

4. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark prior to July 8, 2011.

5. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to January 1, 2011.

6. Prior to any rights that may be claimed by Applicant, Opposer adopted and used in commerce that may be regulated by Congress the mark GO FISH for various services and goods including retail store services featuring fish and seafood, and for fresh fish, cooked fish, and processed fish; fresh seafood, processed seafood; ready-to-cook meals, prepared entrees which include fish and seafood, soups and stews.

7. Prior to any rights that may be claimed by Applicant, Opposer adopted and used in commerce that may be regulated by Congress the trade name GO FISH in connection with its business which provides various services and goods including retail store services featuring fish and seafood, and for fresh fish, cooked fish, and processed fish; fresh seafood, processed seafood; ready-to-cook meals, prepared entrees which include fish and seafood, soups and stews.

8. Opposer is the owner of U.S. Trademark Application No. 85318641 for the mark GO FISH and design, filed May 11, 2011, covering retail store services featuring fish and seafood. This application of Opposer gives Opposer priority over Applicant.

9. The services identified in Opposer's application and the goods recited in the application for the Opposed Mark are commercially related.

10. The Opposed Mark so resembles the Opposer's common law mark, the mark in Opposer's Application, and Opposer's trade name, which all were previously used in the United States by Opposer and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that the Opposition will be sustained and that the application for registration of the Opposed Mark will be refused.

Respectfully submitted,

OFF THE HOOK, LLC dba Go Fish

By: 

Joseph D. Lewis

BARNES & THORNBURG LLP

1717 Pennsylvania Ave, N.W., Suite 500

Washington, D.C. 20006


(202) 289-1313

Attorney for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice of Opposition has been served on April 2, 2012, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the correspondent of record for Applicant at:

Joseph A. Mandour
Mandour & Associates, APC
16870 West Bernardo Drive, Ste. 400
San Diego, CA 92127


Joseph D. Lewis